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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

9 HOMER E. HAWKINS, No. C 08-1087 SI (pr)
10 Petitioner, **ORDER**
11 v.
12 DEBORAH DEXTER, Warden,
13 Respondent.

On February 18, 2009, the court denied the petition for writ of habeas corpus and entered judgment. Petitioner filed a notice of appeal, which the court construed to also be a request for a certificate of appealability, and denied the certificate of appealability. Petitioner then filed a document on March 20, 2009, that was captioned "notice of appeal/motion" and consisted of a one-page notice of appeal, plus a 4-page application for leave to file second or successive petition, plus a 10-page opening brief that was also captioned as a "motion for request of 'COA.' (Docket # 25.) Much of the document appears to be a duplicate of the document that was docketed as a motion for certificate of appealability in the Ninth Circuit. See docket # 2 in Hawkins v. Dexter, Ninth Circuit No. 09-15499.

24 The "motion" filed as docket # 25 in this court is DENIED because there is no requested
25 relief this court can grant based on the filing. Petitioner already filed a notice of appeal and a
26 second notice of appeal accomplishes nothing. The district court is not the appropriate court
27 to which to send an application for leave to file a second or successive petition, as that must be

1 sent to the Ninth Circuit. The district court is not the appropriate court to which to send an
2 opening brief on appeal, as that also must be sent to the Ninth Circuit. Petitioner should send
3 all future filings directly to the Ninth Circuit, where his case is now pending.

4 IT IS SO ORDERED.

5 DATED: November 10, 2009



SUSAN ILLSTON
United States District Judge

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